

REMARKS

Claims 1-42 are all the claims pending in the application.

Applicants thank the Examiner for acknowledging that certified copies of the priority documents have been received in Application No. 10/152,290. In addition, Applicants thank the Examiner for indicating that the drawings filed on February 6, 2004 have been accepted.

Applicants note that the Examiner has not indicated receipt of the Information Disclosure Statement filed on February 6, 2004. Accordingly, Applicants respectfully request that the Examiner indicate consideration of the references listed in the February 6, 2004 Information Disclosure Statement, in the next Office Action.

The Examiner has objected to claims 1 and 21 because of certain informalities. Applicants have amended claims 1 and 21 as suggested by the Examiner to address this objection.

The Examiner has rejected claims 1-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24, respectively, of U.S. Patent No. 6,717,746. Further, the Examiner has rejected claims 25-28, 30-34 and 36-40 under 35 U.S.C. § 102(e) as being anticipated by Shafer et al. (U.S. 2004/0075894 A1). Finally, the Examiner has rejected claims 37 and 39-42 under 35 U.S.C. § 102(b) as being anticipated by Takahashi et al. (U.S. Patent No. 5,835,275).

I. Obviousness-Type Double Patenting Rejection

In response to the Examiner's obviousness-type double patenting rejection of claims 1-24, Applicants submit herewith a Terminal Disclaimer to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

II. § 102(e) Rejection of Claims 25-28, 30-34 and 36-40

In response to the Examiner's § 102(e) rejection of claims 25-28, 30-34 and 36-40, Applicants note that the effective date of the Shafer reference is its December 10, 2001 U.S. filing date, which is after the May 22, 2001 priority date for the present invention. Accordingly, Applicants submit herewith a sworn English translation of the German priority application which supports the elements of the present claims to antedate the Shafer reference and remove it from the prior art, thereby overcoming this rejection. Thus, withdrawal of this rejection is respectfully requested.

III. § 102(b) Rejection of Claims 37 and 39-42

The Examiner has rejected claims 37 and 39-42 under § 102(b) as being anticipated by Takahashi. Applicants note that with the removal of the Shafer reference as asserted prior art, claim 38 is now in allowable form. Accordingly, in response to the Examiner's § 102(b) rejection, Applicants have amended claim 38 to include the limitations of claim 37, thus making it an independent claim. In addition, Applicants have amended claims 39-42 to change their dependency to independent claim 38. Finally, Applicants have canceled claim 37. As a result of the above, Applicants respectfully submit that claims 38-42 are now in allowable form.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/772,310

Q79380

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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